

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

Civil Action No. 2:16-CV-00953-DGC

This Document Relates to: Cindy McKinzie,
Jeff Edwards, John Edwards, and Sara
Townley

PLAINTIFF'S AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND JURY TRIAL

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Florence Edwards

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Cindy McKinzie, Jeff M Edwards, John Edwards, Sara Townley

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A Cindy McKinzie, administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of the injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

1 Texas

2 7. District Court and Division in which venue would be proper absent direct
3 filing:

4 Western District of Texas – Austin Division

5 8. Defendants (check Defendants against whom Complaint is made):

6 X C.R. Bard Inc.

7 X Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 X Diversity of Citizenship

10 ☐ Other: _____

11 a. Other allegations of jurisdiction and venue not expressed in Master
12 Complaint:

13 _____
14 _____
15 _____

16 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
17 claim (Check applicable Inferior Vena Cava Filter(s)):

18 X Recovery® Vena Cava Filter

19 ☐ G2® Vena Cava Filter

20 ☐ G2® Express (G2® X) Vena Cava Filter

21 ☐ Eclipse® Vena Cava Filter

22 ☐ Meridian® Vena Cava Filter

23 ☐ Denali® Vena Cava Filter

24 ☐ Other: _____

25 11. Date of Implantation as to each product:

26 On or about April 12, 2005

27 _____

28 12. Counts in the Master Complaint brought by Plaintiff(s):

- 1 X Count I: Strict Products Liability – Manufacturing Defect
- 2 X Count II: Strict Products Liability – Information Defect (Failure to
- 3 Warn)
- 4 X Count III: Strict Products Liability – Design Defect
- 5 X Count IV: Negligence – Design
- 6 X Count V: Negligence – Manufacture
- 7 X Count VI: Negligence – Failure to Recall/Retrofit
- 8 X Count VII: Negligence – Failure to Warn
- 9 X Count VIII: Negligent Misrepresentation
- 10 X Count IX: Negligence *Per Se*
- 11 X Count X: Breach of Express Warranty
- 12 X Count XI: Breach of Implied Warranty
- 13 X Count XII: Fraudulent Misrepresentation
- 14 X Count XIII: Fraudulent Concealment
- 15 X Count XIV: Violation of Applicable Texas
- 16 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 17 Practices
- 18 X Count XV: Loss of Consortium
- 19 ~~X~~ Count XVI: Wrongful Death
- 20 ~~X~~ Count XVII: Survival
- 21 X Punitive Damages
- 22 ☐ Other(s): All claims for relief set forth in the Master Complaint for
- 23 an amount to be determined by the trier of fact.
- 24 _____
- 25 _____
- 26 _____
- 27 _____
- 28 _____

1
2 13. Jury Trial demanded for all issues so triable?

3 X Yes

4 ☐ No

5 ~~Respectfully submitted this 5th day of April, 2016~~

6 ~~Jeff M Edwards, Plaintiff~~

7 ~~By: /s/ Jeff M Edwards~~

8 ~~Jeff M Edwards~~

9 ~~13785 Research Blvd~~

10 ~~Suite 125~~

11 ~~Austin, TX 78750~~

12 ~~Phone: (512)300-7555~~

13 ~~Email: JeffEdwards777@Gmail.com~~

14 ~~Plaintiff filing Pro Se~~

15 RESPECTFULLY SUBMITTED January 5, 2017.

16
17 By: /s/ Richard S. Lewis

18 Richard S. Lewis

19 Steve Rotman

20 Braden Beard

21 HAUSFELD LLP

22 1700 K Street NW, Suite 650

23 Washington, DC 20006

24 Telephone: (202) 540-7200

25 Facsimile: (202) 540-7201

26 Email: rslewis@hausfeld.com

27 srotman@hausfeld.com

28 bbeard@hausfeld.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Richard S. Lewis

Richard S. Lewis